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Name:	Steven M. Marsh	Faximile No.	571-273-8300
Company:	USPTO	Phone No.	571-272-6819

FROM: Gordon M. Wright  
DATE: July 8, 2009

ATTORNEY NO.	01410
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To: Steven M. Marsh, Examiner  
From: Gordon Wright, Reinhart Boerner Van Deuren  
Re: Application No. 10/743,215

Mr. Marsh,

After review of the above-mentioned application, the BPAI affirmed your rejection of claims 1-7 and 9-10, and reversed for claims 8 and 11-16.

Claim amendments shown below are for discussion purposes only. Can the Applicant amend, as shown below, by incorporating subject matter of dependent claim 8 into claim 1 such that dependent claims 2-7 and 9-10 depend from an allowable claim 1? Claim 8 would be cancelled, but claims 2-7, 9 and 10 should be allowable as depending from an allowable claim.

Claims Appendix

1. A label holder for attachment to a shelf, the label holder comprising:  
a front panel;  
a back panel connected to the front panel along a bottom portion thereof, said front panel and said back panel forming a cavity therebetween;  
wherein the back panel is opaque, the label holder constructed as co-extruded polyvinyl chloride, butyrate, provista or acrylonitrile butadiene styrene (ABS).  
a top flange proximate a top portion of the back panel; and  
a shelf clip portion joined to the top flange and spaced rearward of the back panel, said shelf clip portion comprising an upward retaining flange for engaging the shelf and a downward angled portion terminating in a catch flange and a curved resilient hinge portion extended from the downward angled portion and wrapping around the catch flange to form an upward flange.
2. The label holder of claim 1 wherein said retaining flange pivots in response to upward pivoting movement of said back panel to secure said retaining flange against the shelf.
3. The label holder of claim 1 wherein said shelf clip portion provides resilient clamping onto the shelf, said catch flange configured to engage a lower shelf channel flange.
4. The label holder of claim 1 wherein said top flange is a protective flange extending forward from the back panel and having a downward depending edge.
5. The label holder of claim 1 wherein the downward angled engaging portion is angled at approximately 20 degrees from vertical.
6. The label holder of claim 1 wherein the label holder is constructed of one or more of polyvinyl chloride, butyrate, provista and acrylonitrile butadiene styrene (ABS).
7. The label holder of claim 1 wherein the label holder is translucent or partially translucent.
8. (Cancelled)

9. The label holder of claim 1 wherein a height of the label holder is approximately between 1 inch and 1 ½ inches.

10. The label holder of claim 1 wherein a height of the label holder is approximately between 3 inches and 4 inches.

11. A label holder mounted on a C-channel shelf having a top support flange, an inwardly curving panel and a lower support flange, the label holder comprising:

a front translucent panel;

a back panel connected to the front panel along a bottom portion thereof, said front panel and said back panel forming a cavity there between; and

a shelf clip portion joined to a top portion of the back panel, the shelf clip portion comprising an upward retaining flange engaging the top support flange of said shelf and a downward angled portion terminating in a catch flange secured by the lower support flange of said shelf and a curved resilient hinge portion attached to the downward angled portion, the curved resilient hinge portion being wrapped around the lower support flange and engaging a back side of the inwardly curving panel.

12. The label holder of claim 11 wherein said retaining flange pivots in response to upward rotational movement of said back panel to secure said retaining flange against the shelf.

13. The label holder of claim 11 wherein the label holder is constructed of one or more of polyvinyl chloride, butyrate, provista and acrylonitrile butadiene styrene (ABS).

14. The label holder of claim 11 wherein said label holder has a height of approximately 1" and 1 ½ ".

15. The label holder of claim 11 further comprising a protective flange extending forwardly from the back panel with a downward depending edge.

16. The label holder of claim 11 wherein the downward angled engaging portion is angled at approximately 20 degrees from vertical.